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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/670,081

09/24/2003

Jean-Patrick Azpitarte

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7590

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EXAMINER

DOUGHERTY, ANTHONY T

ART UNIT

PAPER NUMBER

2863

DATE MAILED: 01/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

H.A

**Office Action Summary**

Application No.

10/670,081

Applicant(s)

AZPITARTE, JEAN-PATRICK

Examiner

Anthony T. Dougherty

Art Unit

2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 April 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 10 and 13-15 is/are rejected.
- 7) ☒ Claim(s) 7-9, 11 and 12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 9/24/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 11 and 12 objected to because of the following informalities: Claim 11 recites the limitation “the detected person” in line 3. There is insufficient antecedent basis for this limitation in the claim. It is assumed by the examiner that this is a typographical error in claim dependency as this claim depends from claim and this claim should instead depend from claim 7. For examination purposes with respect to prior art this claim has been treated as if it depends from claim 7 instead of claim 1. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 6, 10, 13, 14, and 15 rejected under 35 U.S.C. 102(b) as being anticipated by International Application Publication No. WO-9748040-A1 to Yacoob.

With regard to claim 1 Yacoob discloses a system for remote maintenance management with local units and a maintenance company calculator connected by a transmission network for receiving, storing, and processing information transmitted by local monitoring units (see page 18 line 2-20), with identification means for identifying a technician when starting an operation on

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the associated piece of equipment (page 19 line 23-25 & page 23 line 1-6), command means for allowing the maintenance technician identified using identification means to signal a start and end event of operation on the associated piece of equipment (page 19 line 19-21 & page 23 line 18-25), time stamping means for time stamping the start and end events (see page 19 line 19-20), data entry means for introducing data describing work done during the operation performed by the technician (see page 18 line 25-27 & page 23 line 18-25), and data storage means for storing in the form of an electronic maintenance record file data describing work done in relation with identification information of the technician and timestamp information of the start and end events of the operation (see page 24 line 30-32 & page 29 line 11-29).

With regard to claim 2, and applying the rejection of claim 1 above, Yacoob discloses means for performing measurements on the associated equipment in order to detect operation failures, and for transmitting the detected operation failures to the maintenance company calculator (see page 17 line 27 through page 18 line 7).

With regard to claim 3, and applying the rejection of claim 1 above, Yacoob discloses means for transmitting to the maintenance company calculator information stored in the storage means regarding an operation following the operation on the equipment, the calculator including means for storing the operation information received (see page 38 line 5 through page 39 line 18).

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With regard to claim 6, and applying the rejection of claim 1 above, Yacoob discloses the identification means includes an element chosen from the set including a keyboard for entering an identification code, reading systems with and without electronic key or smart card or magnetic card contacts, and a biometric recognition system (see page 23 line 18-30).

With regard to claim 10, and applying the rejection of claim 1 above, Yacoob discloses means for introducing a description of the work include an element chosen from the set comprising an input keyboard detachable or not from the local unit, an integrated keyboard in a command terminal that can be connected to the local unit through a fixed radio or infrared link, and a voice recognition system (see page 23 line 18-30).

With regard to claim 13, and applying the rejection of claim 1 above, Yacoob discloses means for locally or remotely querying content of the storage media storing the operation information (see page 25 line 9-15).

With regard to claim 14, and applying the rejection of claim 1 above, Yacoob discloses operation information stored in the storage media include for each operation at least one of the following items: operation start and end dates, identification data of the technician that performed the operation, an operation type, action or function or part codes of the equipment element, and action type codes (see page 18 line 8-28).

With regard to claim 15, and applying the rejection of claim 3 above, Yacoob discloses means for querying, sorting, and analyzing the operation data stored in the storage media for all equipment (see page 31 line 1-19), and this structure in the prior art allows for the intended use of determining a maintenance status of each piece of equipment, a maintenance company performance, and a performance of each technician employed by the maintenance company (see MPEP 2114 & Ex part Masham, 2 USPQ2d 1647 (1987) & In re Swinehart, 169 USPQ 226 (CCPA 1971) & In re Schreiber, 44 USPQ2d 1429 (Fed. Cir. 1997)).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4 and 5 rejected under 35 U.S.C. 103(a) as being unpatentable over International Application Publication No. WO-9748040-A1 to Yacoob in view of *St. Regis Paper Co. v Bernis Co.*, 193 USPQ 8 (hereafter *St. Regis Paper Co.*).

With regard to claim 4 the primary reference to Yacoob discloses a system for remote maintenance management with local units and a maintenance company calculator connected by a transmission network for receiving, storing, and processing information transmitted by local monitoring units (see page 18 line 2-20), with identification means for identifying a technician

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when starting an operation on the associated piece of equipment (page 19 line 23-25 & page 23 line 1-6), command means for allowing the maintenance technician identified using identification means to signal a start and end event of operation on the associated piece of equipment (page 19 line 19-21 & page 23 line 18-25), time stamping means for time stamping the start and end events (see page 19 line 19-20), data entry means for introducing data describing work done during the operation performed by the technician (see page 18 line 25-27 & page 23 line 18-25), and data storage means for storing in the form of an electronic maintenance record file data describing work done in relation with identification information of the technician and timestamp information of the start and end events of the operation (see page 24 line 30-32 & page 29 line 11-29). However, Yacoob fails to disclose a second calculator performing the same functions as the first calculator.

The secondary reference to *St. Regis Paper Co.* discloses it would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide more than one calculator to allow for data redundancy (see *St. Regis Paper Co. v Bernis Co.*, 193 USPQ 8).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Yacoob to include a second calculator.

Accordingly, such a modification would have been obvious since it has been held that the mere duplication of the essential working parts of a device involves routine skill in the art (see *St. Regis Paper Co. v Bernis Co.*, 193 USPQ 8), thereby suggesting the obviousness of the modification.

With regard to claim 5, and applying the rejection of claim 4 above, Yacoob discloses the calculator is connected to a digital data transmission network and provides terminals connected to the network with access to the data stored in the storage means (see page 25 line 9-15).

***Allowable Subject Matter***

6. Claims 7-9, 11, and 12 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter:

The primary reason for the allowance of claims 7-9, 11, and 12 is the inclusion of the limitations of remote maintenance management of equipment with means for detecting a presence of a person in a maintenance area of an associated piece of equipment, means for requesting the detected person to identify his/herself, and means for transmitting to the maintenance company calculator an identification error message if the detected person is not identified using the identification means within a predefined period of time. It is these limitations found in each of the claims, as they are claimed in the combination, that has not been found, taught or suggested by the prior art of record which makes these claims allowable over the prior art.

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.



U.S. Patent No. 6,170,742 to Yacoob because it teaches the same disclosure as the primary reference above but with a different applicable prior art date.

U.S. Patent No. 6,557,752 to Yacoob because it teaches the same disclosure as the primary reference above but with a different applicable prior art date.

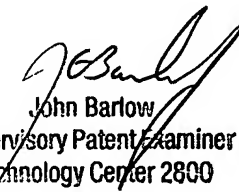
U.S. Patent No. 5,436,613 to Ghosh et al. because it teaches a system for detecting the presence of a person near automated machinery in a maintenance situation so as to avoid injury to the person by the automated machinery.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony T. Dougherty whose telephone number is (571) 272-2273. The examiner can normally be reached on Monday through Friday from 8 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Barlow can be reached on (571) 272-2269. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
atd

  
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